

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

In re PEGASYSTEMS INC. SECURITIES
LITIGATION

) No. 1:22-cv-11220-WGY

)
) DECLARATION OF CHRISTOPHER D.
STEWART IN SUPPORT OF LEAD
PLAINTIFFS' MOTION TO COMPEL
DEFENDANTS TO PRODUCE
DOCUMENTS REGARDING THE SEC'S
INVESTIGATION OF PEGASYSTEMS,
INC.

I, Christopher D. Stewart, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of California and am admitted *pro hac vice* in this action. I am a member of the law firm of Robbins Geller Rudman & Dowd LLP, and am one of the counsel of record for Lead Plaintiffs Central Pennsylvania Teamsters Pension Fund - Defined Benefit Plan, Central Pennsylvania Teamsters Pension Fund - Retirement Income Plan 1987, and Construction Industry Laborers Pension Fund (collectively, “Plaintiffs”) in the above-entitled action. This Declaration is made in support of Lead Plaintiffs’ Motion to Compel Defendants to Produce Documents Regarding the SEC’s Investigation of Pegasystems, Inc. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. Attached as Exhibit 1 is a true and correct copy of an excerpt of Pegasystems, Inc.’s Form 10-Q filed with the U.S. Securities and Exchange Commission on April 26, 2023.

3. On June 2, 2023, Plaintiffs served their First Request for Production of Documents to Defendants (the “Requests”). Attached as Exhibit 2 is a true and correct copy of the Requests.

4. On June 22, 2023, defendants Pegasystems, Inc. and Alan Trefler (collectively, “Defendants”) served their Initial Disclosure Statement. Attached as Exhibit 3 is a true and correct copy of Defendants’ statement.

5. On July 14, 2023, Defendants served responses and objections to the Requests (the “Objections”). Attached as Exhibit 4 is a true and correct copy of the Objections.

6. On July 21, 2023, Plaintiffs and Defendants held a telephonic meet and confer to discuss the Requests and Objections.

7. On July 27, 2023, Plaintiffs sent Defendants a letter regarding the parties’ July 21 meet and confer call. Attached as Exhibit 5 is a true and correct copy of Plaintiffs’ July 27 letter.

8. On July 28 and August 1, 2023, Plaintiffs and Defendants held telephonic meet and confer calls to further discuss the Requests and Objections.

9. On August 7, 2023, Plaintiffs sent Defendants a letter regarding the parties' July 28 and August 1 meet and confer calls. Attached as Exhibit 6 is a true and correct copy of Plaintiffs' August 7 letter.

10. On August 10, 2023, Defendants served their First Requests to Lead Plaintiff Construction Industry Laborers Pension Fund for Production of Documents. Attached as Exhibit 7 is a true and correct copy of Defendants' requests.

11. On August 21, 2023, Defendants sent a letter in response to Plaintiffs' July 27 letter. Attached as Exhibit 8 is a true and correct copy of Defendants' August 21 letter.

12. On August 25, 2023, Defendants served their Supplemental Responses and Objections to Plaintiffs' First Set of Interrogatories to Defendants. Attached as Exhibit 9 is a true and correct copy of Defendants' responses.

13. On August 28, 2023, Plaintiffs sent a letter in response to Defendants' August 21 letter. Attached as Exhibit 10 is a true and correct copy of Plaintiffs' August 28 letter.

14. On August 31, 2023, Plaintiffs sent Defendants a letter regarding privilege logs. Attached as Exhibit 11 is a true and correct copy of Plaintiffs' August 31 letter.

15. On September 5, 2023, Defendants sent a letter in response to Plaintiffs' August 28 letter. Attached as Exhibit 12 is a true and correct copy of Defendants' September 5 letter.

16. On September 11, 2023, Defendants sent counsel for Appian Corporation ("Appian") a letter regarding the Requests. Attached as Exhibit 13 is a true and correct copy of Defendants' September 11 letter.

17. On September 12, 2023, Plaintiffs sent Defendants an email seeking responses to Plaintiffs' correspondence dated August 7 and August 31. Attached as Exhibit 14 is a true and correct copy of Plaintiffs' September 12 email.

18. On September 12, 2023, Defendants sent a letter in response to Plaintiffs' August 31 letter regarding privilege logs. Attached as Exhibit 15 is a true and correct copy of Defendants' September 12 letter.

19. On September 18, 2023, Defendants sent a letter in response to Plaintiffs' August 7 letter. Attached as Exhibit 16 is a true and correct copy of Defendants' September 18 letter.

20. On September 22, 2023, Plaintiffs sent Defendants a letter regarding discovery of electronically stored information ("ESI"). Attached as Exhibit 17 is a true and correct copy of Plaintiffs' September 22 letter.

21. On October 26, 2023, Plaintiffs sent Defendants a letter regarding discovery of ESI. Attached as Exhibit 18 is a true and correct copy of Plaintiffs' October 26 letter.

22. On October 27, 2023, Plaintiffs sent Defendants a letter regarding certain of the Requests. Attached as Exhibit 19 is a true and correct copy of Plaintiffs' October 27 letter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 27th day of November, 2023, at San Diego, California.

s/ Christopher D. Stewart

CHRISTOPHER D. STEWART

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 27, 2023.

s/ Christopher D. Stewart

CHRISTOPHER D. STEWART